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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8817 of 2023

Inbarasan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Vallam All Women Police Station,
Thanjavur District.
(Crime No.5/2023).

... Respondent/Complainant

For Petitioner : M/s.Veerakumar T, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.5/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 23.03.2023 for the offences punishable under Sections 417, 420, 376 and 506(i) IPC in Crime No.5 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, by giving false promise to marry the de-facto complainant, had sexual intercourse with her and later refused to marry her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is having love affair with the de-facto complainant for more than five years. Now, she gave a false complaint against him. Hence, he prayed for bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner by giving false promise to marry the victim girl, had affair with her. So,

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that the victim girl consumed poison. Now, she is recovered. The victim girl is aged about 23 years and the petitioner is aged about 26 years.

5. It is seen from the FIR that the petitioner and the victim girl were loved each other for more than five years. It is a case of love affair. The petitioner is in judicial custody from 23.03.2023 onwards. Investigation almost completed.

6. Considering the facts and circumstances of the case and also considering the fact that the investigation almost completed, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Additional Mahila Court, Thanjavur District, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of two months and thereafter, every Saturday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/05/2023

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17/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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TO

1 THE ADDITIONAL MAHILA JUDGE, THANJAVUR DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, VALLAM ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-7413[I] dated 17/05/2023)

ORDER

IN

CRL OP(MD) No.8817 of 2023

Date :17/05/2023

RS/VR/SAR-(17.05.2023) 3P 6C